



Order Filed on March 15, 2021
by Clerk

U.S. Bankruptcy Court
District of New Jersey
Case No. 17-21532-MBK

Chapter: 13

Hearing Date:
March 24, 2021

Hon. Chief Judge:
Michael B. Kaplan

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-2(c)

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Attorneys for SN Servicing Corporation as servicer
for U.S. Bank Trust National Association, as Trustee
of Bungalow Series IV Trust

In Re:

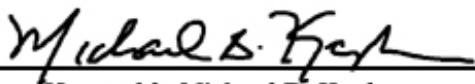
Thomas L. Kenny

Debtor(s)

CONSENT ORDER RESOLVING MOTION TO VACATE STAY

The consent order set forth on the following pages, numbered two (2) through three (3), is hereby
ORDERED.

DATED: March 15, 2021


Honorable Michael B. Kaplan
United States Bankruptcy Judge

Applicant: SN Servicing Corporation as servicer for U.S. Bank Trust National Association, as Trustee of Bungalow Series IV Trust
Applicant's Counsel: Friedman Vartolo LLP
Debtor's Counsel: Andrew Thomas Archer
Property (Collateral): 10 Sunrise Circle, Holmdel, NJ 07733
Relief Sought:

- Relief from Automatic Stay

For good cause shown, it is **ORDERED** that Applicant's Motion is resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor(s) is/are overdue for 4 months, from **November 1, 2020** to **February 1, 2021**.
- ☐ The Debtor(s) is/are overdue for 4 payments at **\$2,681.03** per month.
- ☐ The Debtor(s) is/are due for _____ in accrued late charges.
- ☐ The Debtor(s) is/are due for _____ in attorney's fees and costs.
- ☒ Applicant acknowledges suspense funds in the amount of **\$2,218.50**.

Total Arrearages Due: **\$8,505.62**

2. Debtor(s) must cure all post-petition arrearages, as follows:

- ☐ Immediate payment shall be made in the amount of _____. Payment shall be made no later than _____.
- ☒ Beginning on **March 1, 2021**, regular monthly mortgage payments shall continue to be made.
- ☐ Beginning on _____, additional monthly cure payments shall be made in the amount of _____ for _____ months.
- ☒ The amount of **\$8,505.62** shall be capitalized in the debtor's Chapter 13 plan. Said amount shall be set up on Trustee's ledger as a separate Claim. Debtor(s) shall file a Modified Plan within 14 days from the entry of this Order to account for the additional arrears to be paid to the secured creditor via Chapter 13 Plan and to adjust monthly payments to the Chapter 13 Trustee accordingly.

3. Payments to the Secured Creditor shall be made to the following address:

Payments: SN Servicing Corporation
P.O. Box 660820
Dallas, TX 75266

4. In the event of default:

☒ Should the Debtor(s) fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post-petition delinquency is more than twenty-one (21) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor(s), and Debtor('s) attorney and the court shall enter an Order granting relief from the Automatic Stay.

☒ In the event the Debtor(s) converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtor(s) shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtor(s) fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor(s), and Debtor('s) attorney and the court shall enter an Order granting relief from the Automatic Stay.

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than twenty-one (21) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor(s), and Debtor('s) attorney and the court shall enter an Order granting relief from the Automatic Stay

5. Award of Attorney's Fees:

The Applicant is awarded attorney's fees of \$400 and costs of _____.

The fees and costs are payable:

- ☐ Attorney's fees and costs have been included in the Consent Order.
- ☒ Through the Chapter 13 plan. The fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.
- ☐ To the Secured Creditor within _____ days
Attorney's fees are not awarded.
- ☐ Movant reserves its right to file a Post-Petition Fee Notice for fees and costs incurred in connection with the Motion for Relief.

The undersigned hereby consent to the form and entry of the foregoing order.

/s/ Andrew T. Archer, Esq.
Andrew Thomas Archer, Esq.
Attorney for Debtor

/s/ Jonathan Schwalb, Esq.
Jonathan Schwalb, Esq.
Attorney for Secured Creditor

In re:
Thomas L. Kenny
Debtor

Case No. 17-21532-MBK
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3
Date Rcvd: Mar 15, 2021

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 17, 2021:

Recip ID	Recipient Name and Address
db	+ Thomas L. Kenny, 10 Sunrise Circle, Holmdel, NJ 07733-1115

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 17, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 15, 2021 at the address(es) listed below:

Name	Email Address
Albert Russo	docs@russotrustee.com
Andrew Thomas Archer	on behalf of Debtor Thomas L. Kenny aarcher@spillerarcherlaw.com bankruptcy@brennerlawoffice.com;mcdoherty_187750@ecf.courtdrive.com;R64966@notify.bestcase.com
Denise E. Carlon	on behalf of Creditor MEB Loan Trust IV dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com
Douglas J. McDonough	on behalf of Creditor BANK OF AMERICA N.A. DMcDonough@flwlaw.com
Jonathan C. Schwalb	on behalf of Creditor SN Servicing Corporation as servicer for U.S. Bank Trust National Association as Trustee of Bungalow Series IV Trust bankruptcy@friedmanvartolo.com

District/off: 0312-3

User: admin

Page 2 of 2

Date Rcvd: Mar 15, 2021

Form ID: pdf903

Total Noticed: 1

Laura M. Egerman

on behalf of Creditor U.S. Bank Trust N.A. bkyecf@rasflaw.com bkyecf@rasflaw.com;legerman@rasnj.com

Michael Frederick Dingerdissen

on behalf of Creditor U.S. BANK TRUST N.A., AS TRUSTEE FOR LSF8 MASTER PARTICIPATION TRUST
nj.bkecf@fedphe.com

Nicholas V. Rogers

on behalf of Creditor U.S. BANK TRUST N.A., AS TRUSTEE FOR LSF8 MASTER PARTICIPATION TRUST
nj.bkecf@fedphe.com

Sindi Mncina

on behalf of Creditor U.S. BANK TRUST N.A., AS TRUSTEE FOR LSF8 MASTER PARTICIPATION TRUST
smncina@raslg.com

Steven P. Kelly

on behalf of Creditor BANK OF AMERICA N.A. skelly@sterneisenberg.com, bkecf@sterneisenberg.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 11